

UNITED STATES OF AMERICA

JOEL A. SMITHERS,
Defendant,

Case 1:17-cr-00027-JPJ-PMS Document 130 Filed 04/17/19 Page 1 of 3 Pageid#: 307

that any document or information provided by the Government to defense counsel for the first time on March 15, 2019, shall not be admitted into evidence at trial or used to examine any witness by the Government, unless otherwise permitted to do so by the court after an individualized consideration of a particular exhibit and/or information. The undersigned's decision is based, in part, on a finding that the documents provided to defense counsel by the Government on March 15, 2019, are material to preparing a defense;

2. Notice Of Renewed Request For A Continuance To Allow Defendant Use Of An Expert Witness And To Allow Time For Expert To Review Files And Give A Report, (Docket Item No. 125), is **DENIED** insofar as it seeks a continuance of trial. This motion is **taken under advisement** insofar as it seeks the appointment of Arnold E. Feldman, M.D., as an expert witness pending counsel filing a copy of Dr. Feldman's curriculum vitae or resume along with information regarding whether and where Dr. Feldman is currently licensed to practice medicine, whether his license to practice medicine has ever been suspended or revoked in any jurisdiction and whether he has ever been charged with a crime related to his practice of medicine, including, but not limited to, healthcare fraud or the distribution of controlled substances. Defense counsel also shall provide the court with Dr. Feldman's hourly rate for his services and an estimate of the amount of time he will expend preparing to testify and testifying. This information may be filed with the court for ex parte review; and

3. Preparation Of Transcript Of Preliminary Hearing At Government Expense, (Docket Item No. 127), is **GRANTED** insofar as defense counsel shall prepare the proper voucher on the court's eVoucher system for approval and/or make the appropriate arrangements with the court reporter.

The Clerk's Office shall provide a copy of this Order to all counsel of record.

ENTER: April 17, 2019.

/s/ *Pamela Meade Sargent*
UNITED STATES MAGISTRATE JUDGE